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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,012	09/11/2003	Hasan Ertas	3772P025	8775

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EXAMINER

MULLEN, THOMAS J

ART UNIT PAPER NUMBER

2612

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,012

Applicant(s)

ERTAS ET AL.

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-65 and 79-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61-65 and 79-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/05, 3/3/06 (2 pages total)

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The amendment filed 3/3/06 has been fully considered. The replacement drawing sheet is approved.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 61-65 and 79-82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The disclosure as filed does not appear to provide support for the recitation in claims 61 and 79 of "using a wireless link within the device to store a password in a memory...", i.e. this recitation is considered "new matter". (Note that claim 61 was added by a preliminary amendment filed 1/28/04, and thus is not part of the original disclosure of the present application; claim 79 was added by the amendment filed 3/3/06.)

The disclosure generally teaches that a password may be stored within memory 37 of RFID tag 27, see paragraphs 0021 and 0040, without specifying how the password is entered into the memory. The disclosure also teaches that light bulb 23 has an associated "value representing the cumulative duration of use of the light bulb" which is stored in the memory 37 of the RFID tag 27 (paragraph 0017), and that RF transceiver 28 "reads the value from the RFID tag (27)" and periodically "update(s) the stored value in the RFID tag (27) via the wireless link" (see paragraphs 0018 and 0039). Thus, the "wireless link" as disclosed appears to be merely used for communicating data between tag 27 and transceiver 28 regarding the "value" (associated with light bulb usage) and not used for "storing" (or changing, etc) the password in the memory 37 per se.

4. Claims 61-65 and 79-82 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action, i.e. no basis for rejection under 35 U.S.C. 102 or 103 is considered applicable to the claims as presently written.

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5. Applicant's arguments with respect to claim 61-65 and 79-82 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues (page 9 of response) that "a person of ordinary skill in the art would understand...that any data being transferred to the RFID circuit...is done so wirelessly". It was originally the position of the examiner that there was no support in the disclosure as filed that the password is necessarily entered into the RFID tag 27 "wirelessly", since it is well known in the art that passwords for electronic devices may be pre-set, encoded, etc. in the device at the time of manufacture; such pre-setting or encoding isn't necessarily done by "wireless" means. However, upon further review of the disclosure it is seen that paragraph 0021 of the specification refers to a "custom password"--the term "custom" implying that the password may be set (or reset) by a user--and one skilled in the art would recognize that such setting (or "stor(ing)") of the password by a user, with respect to RFID tag 27, would apparently need to be via a wireless link.

Nevertheless, there is no support in the original disclosure for the password being set or reset (i.e. "stored...in a memory (37)" of the RFID tag 27) using "a wireless link within the device"; i.e., there is no explicit or implicit teaching that the password is set, reset, or stored in the tag memory necessarily via RF transceiver 28 and antenna 29, which provide the "wireless link within the device". One skilled in the art would recognize that the setting and/or resetting of a password in the tag memory 37 could be accomplished via an external wireless link which doesn't rely on transceiver/antenna (28,29) to communicate with the RFID tag 27. Therefore, the recitation in claims 61 and 79 of "using a wireless link within the device to store a password in a memory" is considered "new matter".

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited by applicant on 12/12/05 and 3/3/06 has been considered.

7. This Office action is non-final.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965.

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The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


THOMAS MULLEN
PRIMARY EXAMINER
AU 2612